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Attorneys for: Plaintiff

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RANJIT KAUR,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of  
Homeland Security, EMILIO GONZALEZ,  
Director of The United States Citizenship  
and Immigration Services, DAVID STILL,  
District Director of The United States  
Citizenship Immigration Services,  
DON RIDING, Officer In Charge of the  
Fresno Office of The United States  
Citizenship Immigration Services,  
McGREGOR W. SCOTT, United States  
Attorney for the Eastern District of California

Defendants.

CIVIL No.

COMPLAINT FOR DECLARATORY  
JUDGMENT OF NATURALIZATION  
UNDER 8 USC 1447(b) and 1421(c) AND  
FOR EQUAL ACCESS TO JUSTICE ACT  
UNDER 5 USC 504 AND 28 USC 2412

CIS No.: A 47656582

**First Cause of Action**

**(Declaratory Judgment of Naturalization)**

Plaintiff by her attorney, complaining of Defendants, alleges as follows:

1 1. Plaintiff is an individual and resident of the United States who resides within  
2 the jurisdiction of this Court. Plaintiff's claim to naturalization arises under 8 USC §  
3 1447(b) and 8 USC § 1421(c).

4 2. Defendant, MICHAEL CHERTOFF, is the Secretary of the Department of  
5 Homeland Security (DHS), EMILIO GONZALEZ, is the Director of the United States  
6 Citizenship and Immigration Services (USCIS) of the DHS, DAVID STILL is the District  
7 Director of the San Francisco District of the USCIS, Defendant, Don Riding, is the Officer  
8 in Charge of the Fresno Office of the USCIS and Defendant, MCGREGOR W. SCOTT, is  
9 the United States Attorney for the Eastern District of California. All Defendants are sued  
10 herein in their official capacities. Defendants are responsible for the grant and denial of  
11 naturalization applications filed within the San Francisco District pursuant 8 USC § 1421, 8  
12 USC § 1427, 8 CFR § 103.1 (g)(2)(ii), 8 CFR § 310.2 and 8 CFR § 316.3.

13 3. The Court has jurisdiction of this action pursuant to 8 USC § 1447(b), 8 USC §  
14 1421(c) and 28 USC § 2201.

15 4. On or about July 14, 2005, the Plaintiff, RANJIT KAUR, filed an application for  
16 naturalization with the USCIS office in Fresno, California.

17 5. On or about February 13, 2006, Plaintiff, RANJIT KAUR, took and passed the test  
18 for United States Citizenship. Thereafter, Plaintiff has made inquiries about the status of  
19 her application and the reasons for delay in the adjudication thereof. The Defendants'  
20 agents told her on each occasion, that she had to wait for security clearance.

21 6. Plaintiff has a right to have Defendants adjudicate his application, and  
22 Defendants' failure to take any action at all has denied Plaintiff her rights under 8 USC §  
23 1421 and 8 USC § 1447.

24 7. Defendants' inaction represents a denial of Plaintiff's application, and this Court  
25 may review the matter *de novo* under 8 USC § 1421(c) and 1447 (c).

26 8. Plaintiff has exhausted her administrative remedies.

27 9. Plaintiff desires a judicial determination of her naturalization application and a  
28 declaration that she is entitled to be naturalized as a citizen of the United States.

**Second Cause of Action**  
**(Equal Access to Justice Act)**

11. Plaintiff hereby incorporates the information in paragraphs 1 through 10 above as fully set forth herein.

12. If he prevails, Plaintiff will seek attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended 5 U.S.C. § 504 and 28 U.S.C. § 2412.

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WHEREFORE, Plaintiff prays that:

1. The Court will hear Plaintiff's case and render a declaratory judgment that she is entitled to be naturalized; and

2. The Court grant such further relief as may be just, lawful and equitable to the premises.

3. Attorneys fees according to law.

Dated: March 2, 2007

/s/ James M. Makasian  
JAMES M. MAKASIAN  
STEVEN P. SIMONIAN, Jr.  
Attorneys for Plaintiff